

## HOUSE BILL NO. 378

INTRODUCED BY M. LEE, P. CLARK, FACEY, GALLIK, LASZLOFFY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FUNDING FOR AN ENGINEERING AND OPERATING STUDY OF AN AMTRAK ROUTE ACROSS SOUTHERN MONTANA; CREATING A SOUTHERN AMTRAK ROUTE ACCOUNT; ~~ALLOCATING A PORTION OF THE LODGING FACILITY USE TAX TO THE ACCOUNT;~~ AMENDING SECTION 15-65-121, MCA ALLOWING THE DEPARTMENT OF TRANSPORTATION TO ACCEPT GIFTS, GRANTS, OR DONATIONS FOR THE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE ~~AND A TERMINATION DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Southern amtrak route account.** (1) There is a southern amtrak route account in the state special revenue fund. Money deposited in the account must be used for an engineering and operating study by amtrak of a rail passenger route across southern Montana. The department of transportation shall administer the account.

(2) THE DEPARTMENT MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FOR THE ENGINEERING AND OPERATING STUDY.

~~Section 2. Section 15-65-121, MCA, is amended to read:~~

~~"15-65-121. (Temporary) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$25,000 each year must be deposited in the southern amtrak route~~

~~1 account provided for in [section 1]. The amount of \$400,000 each year must be deposited in the Montana  
2 heritage preservation and development account provided for in 22-3-1004. On July 1, 1997, the amount  
3 of \$45,000 is transferred to the department of commerce for purposes of a grant to the Fort Peck  
4 interpretive center. The balance of the tax proceeds received each reporting period and not deducted  
5 pursuant to the expenditure appropriation or deposited in the southern amtrak route account or the fund  
6 or funds from which in-state lodging expenditures were paid by state agencies or in the Montana heritage  
7 preservation and development account is statutorily appropriated, as provided in 17-7-502, and must be  
8 transferred to an account in the state special revenue fund to the credit of the department of commerce  
9 for tourism promotion and promotion of the state as a location for the production of motion pictures and  
10 television commercials, to the Montana historical society, to the university system, and to the department  
11 of fish, wildlife, and parks, as follows:~~

~~12 ——— (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside  
13 historical signs and historic sites;~~

~~14 ——— (b) 2.5% to the university system for the establishment and maintenance of a Montana travel  
15 research program;~~

~~16 ——— (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state  
17 parks that have both resident and nonresident use;~~

~~18 ——— (d) 67.5% to be used directly by the department of commerce; and~~

~~19 ——— (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to  
20 regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the  
21 total proceeds collected statewide; and~~

~~22 ——— (ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated  
23 city-county exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit  
24 tourism corporation in the region where the city or consolidated city-county is located, to be distributed  
25 to the nonprofit convention and visitors bureau in that city or consolidated city-county.~~

~~26 ——— (2) If a city or consolidated city-county qualifies under this section for funds but fails to either  
27 recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing  
28 plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism  
29 corporation in the region in which the city or consolidated city-county is located.~~

~~30 ——— (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual~~

~~marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials. (Terminates July 1, 2001--sec. 23(3), Ch. 469, L. 1997.)~~

~~———— **15-65-121. (Effective July 1, 2001) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$25,000 each year must be deposited in the southern amtrak route account provided for in [section 1]. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the southern amtrak route account or the fund or funds from which in-state lodging expenditures were paid by state agencies is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:~~

~~———— (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;~~

~~———— (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;~~

~~———— (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;~~

~~———— (d) 67.5% to be used directly by the department of commerce; and~~

~~———— (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to~~

1 regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the  
2 total proceeds collected statewide; and

3 ~~—— (ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated~~  
4 ~~city-county exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit~~  
5 ~~tourism corporation in the region where the city or consolidated city-county is located, to be distributed~~  
6 ~~to the nonprofit convention and visitors bureau in that city or consolidated city-county.~~

7 ~~—— (2) If a city or consolidated city-county qualifies under this section for funds but fails to either~~  
8 ~~recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing~~  
9 ~~plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism~~  
10 ~~corporation in the region in which the city or consolidated city-county is located.~~

11 ~~—— (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual~~  
12 ~~marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit~~  
13 ~~tourism corporation may be used by the department of commerce for tourism promotion and promotion~~  
14 ~~of the state as a location for the production of motion pictures and television commercials."~~

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16 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
17 integral part of Title 60, chapter 11, part 2, and the provisions of Title 60, chapter 11, part 2, apply to  
18 [section 1].

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20 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

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22 ~~—— NEW SECTION. **Section 5. Termination.** [Section 2] terminates June 30, 2003.~~

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